

**STILLWATER COUNTY
COMMISSIONER MINUTES**

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder MCA 7-4-2611(2)(b).

**REGULAR MEETING
November 1, 2022**

PRESENT Commissioners Tyrel Hamilton, Chair, Steve Riveland, Jeff Ruffatto, members. Heidi L. Stadel, Clerk & Recorder

Others Present: Chip Kem, Sheriff; David Stamey, DES; Shannon Blackburn, MT FWP; Bryan Giordano MT FWP; Citizens – Shirlee Keffer

PLEDGE Commissioner Hamilton opened the meeting with the Pledge of Allegiance.

MINUTES September 14, 2022. Commissioner Riveland **MOVED** to approve the minutes from September 14, 2022. Commissioner Ruffatto **SECONDED**. No discussion. Motion passed unanimously.

CLAIMS None presented.

ANNOUNCEMENTS Commissioner Hamilton announced that the agenda meeting next week is canceled and county offices will be closed for the election. The election office will be open from 7:00 a.m. to 8:00 p.m.

FILE ITEMS None presented.

REGULAR BUSINESS **Absarokee Sewer**

A) Master agreement for subsurface locate. Commissioner Ruffatto **MOVED** to approve the master agreement for subsurface locate. Commissioner Riveland **SECONDED**. Discussion – Commissioner Hamilton explained that this is for the 811 utility locates. This is not a service that has been utilized outside of the incorporated towns unless it is on state land. Commissioner Riveland noted that this is specifically for the Absarokee Sewer District to be included in the 811 locate call. Commissioner Hamilton stated that if there is work being done in the area, they can call and locate lines. Motion passed unanimously.

Commission

A) Mental health services renewal agreement in the amount of \$20,000.00. Commissioner Riveland **MOVED** to approve the mental health services renewal agreement in the amount of \$20,000.00. Commissioner Ruffatto **SECONDED**. Discussion – Commissioner Ruffatto explained that this is a segment of public health relating specifically to mental health. The county contracts with the mental health center in Billings and they provide the counselor at the public health office. There are 10 counties that participate in this type of contract for that agreement. Motion passed unanimously.

B) FEMA flood recovery project approvals. David Stamey stated that there are no approvals this week. The Nye Road is being worked on but there are no approvals needed yet. Commissioner Hamilton added that the Stillwater River Road and the Riddles Cliff Bridge projects are being closed out this week. Dave also stated that the immediate actions from the EOC have been signed off on.

County Attorney

A) Contract attorney for County Attorney. Commissioner Riveland **MOVED** to approve the contract for an attorney for the County Attorney. Commissioner Ruffatto **SECONDED**. Discussion – Commissioner Riveland explained that this is to add an attorney to this office. They took applications and did interviews. They were in the process of onboarding an attorney and he withdrew. The position was reopened, and no applications were received. This is a contract with an attorney to provide some services. Commissioner Hamilton added there is a flat rate of \$2500.00 for 20 hours of work over the period of a month. If 20 hours is exceeded, it goes to \$125.00 per hour. This is not to exceed \$7500.00 per month. This contract is with Scott Pederson of Pederson Law Firm. He will be handling the dependent neglect civil cases and juvenile and misdemeanor levels. Shirlee Keffer asked if that person is from Stillwater County. Commissioner Hamilton replied that he is from a Billings office. Motion passed unanimously.

PUBLIC COMMENT

Commissioner Hamilton mentioned that there are personnel from the Fish, Wildlife and Parks attending the meeting and offered for them to introduce themselves and why they were attending as it relates to the flood event. Shannon Blackburn introduced herself as the new regional fisheries manager for southcentral Montana to include Stillwater County. Bryan Giordano introduced himself as the fisheries biologist and Stillwater County falls within his area. Shannon stated that they wanted to come so the Commission could put a face to their names, especially since she is relatively new to the position. She wanted to answer questions the Commission may have regarding some of the permitting work that they have been doing. Bryan stated that he understands that there has been some frustration with permitting timelines and some misinformation regarding brown trout spawning and that it sounds like the county wants to do a project by Nye. There have been timing restrictions in that area, and they are not a set no-go. This is something that is looked at on a case-by-case basis. They have already permitted two projects up there for infrastructure related projects that the FWP is fine working with the county on if the county wants to move forward with the project quicker. So far, the county has submitted two permits to FWP to get work done on N Stillwater River Road. Both of those projects were permitted in six days. There is a backlog and they have gotten through all of it. There were 22 permits between Stillwater and Carbon County since the flood. The average is 3 to 4 days for permitting. One did take 14 days as they needed extra information. What the FWP would like to do is that if the county has a project, they are doing they are here to work with the county to make sure that it goes through the way it needs to do. The timing restriction thing has been thrown around and Bryan is not sure where the information has gotten out that you can't do anything. Shannon added that is definitely not federally mandated, and that people know that is not true. Bryan stated that they are here to work with the county. If there are any projects that need to be done for infrastructure purposes, they are happy to work with the county. They don't want to see people who can't get to their homes or workplaces. County roads are important for the county and citizens of the county. They are willing to work with the county to get these permits done so the county can do their work. Bryan said he knows it can be confusing with FWP and Army Corps and the other entities, but they are a phone call away and they can get things going for the county. Commissioner Riveland asked if they knew where they were at for permitting on the washout below the mine on the Nye Road. Bryan replied that they have not received an application for that road. An application would need to be submitted and a permit can be issued. Bryan has talked to the county's engineer, Nick Winfield, multiple times. They worked through both permits for the Stillwater River Road and condensed some of them, so the county does not have to do multiple permits for the road to move it forward as quickly as possible. Bryan and Shannon both stated that they have not received an application for that road. Commissioner Riveland stated that this is a different message than what was received a couple of months ago that the river was basically going to be closed from working in the river from October 1st to November 15th because of the brown trout spawn. This is a whole different message that the county has not heard until the last couple of days from the FWP and Army Corps, who now says the county is exempt from having to have permits on any of the county projects. Can you explain that? Bryan responded that he does not know where the confusion came from. When they originally met, he did talk about a restriction, but he did try to get the point across that the FWP could work with the county on these projects so the affects could be minimized on brown trout spawning during those times. Bryan went on to say that he heard people in the

county say that we can't do any work at all between those times. Commissioner Riveland stated that was what the county was told. Commissioner Hamilton added that at least that was the impression the Commission was under. Commissioner Riveland also added that the Commission asked if there would be an exemption for a certain length or portion of the river for projects. The county was told probably not. Bryan asked who told the Commission that. Commissioner Riveland responded that Bryan did. Bryan replied that was not his intention. The FWP issued two permits during that timeframe for work to be done to get the bridges fixed and to get to their homes and roads. That has not been the case. Commissioner Riveland stated that was good news. Bryan replied that he was sorry that came out that way and that was why they were here and there was intention of total closure. The FWP is going to protect that area as much as they can because that is where the majority of spawning happens for the Stillwater and Yellowstone areas. If there is a way to mitigate being in the river the whole time, maybe bank work can be done ahead of time so the fish can do what they need to do during that timeframe and then get in the river. There are ways to work around that. If infrastructure needs to be fixed, they understand that. Commissioner Ruffatto asked if at this point there is no back log of applications from private owners up and down the Stillwater. Bryan replied that there are two parts, the public and private. From the public side and the government side there is no backlog and permits can be issued fairly quickly. From the private side, which is done by the conservation district, they have caught up on permits. There is no backlog to his knowledge. The last site visit with the conservation district was last week. Those will all be voted on tonight at their meeting. Commissioner Hamilton asked if looking forward to the winter, are there any other potential restrictions that the county should be aware of that would need to have a variance or permitting for. Bryan said they are trying to hold off on bank stabilizations right now, but critical infrastructure is something they can work with. The Commission thanked Bryan and Shannon for attending.

Shirlee Keffer made the following comments: Thank you for the opportunity to speak. You might say I am like a dog with a bone. The Sheep Dip Road project continues to promote Civic Center instead of a future home of the Stillwater County Fairgrounds. Last week on the agenda was the Treasurers Report which reflects total dollars on deposit. This figure reflects all funds made up of general funds, building funds, school district funds, fire district funds, cemetery funds, ambulance district funds and any other special accounting funds. Couldn't it be a recap listed of the breakdown of these funds, so we actually know how much the general fund is for our county. Voter integrity continues to be a hot topic throughout the nation. What safeguards have been put in place for Stillwater County. I have asked that you ban all electronic devices to be used in our election, use paper ballots, count, hand count in each precinct polling place with the results being posted there. Double custody of the ballot box being transported to the county courthouse and continue that way in a fireproof area. Blank ballots should also be in double custody with an inventory list. You may say they aren't my responsibilities but if you are the Commissioner signing the document of certification then you might want to think twice. I read that there is a facilities meeting following this meeting. Is Stillwater County still in the assisted living business? In closing, I believe the mission assigned to me at this stage in my life is become the watchdog for we the people in Stillwater County, self-appointed. Keeping abreast of county business and holding elected leaderships accountable. I truly want to come to these meetings to be able to give kudos to you, the Commissioners and I am sure that there are, I just haven't discovered them yet, but when I do, I will. I thank you for this opportunity.

With no further comments heard the meeting was adjourned at 9:17 a.m.

APPROVED BY: /s/ Tyrel Hamilton, Commissioner Chairman

ATTEST: Heidi L. Stadel, Clerk and Recorder